

**Introduced by Senator Vasconcellos**

February 20, 2003

---

Senate Constitutional Amendment No. 8—A resolution to propose to the people of the State of California an amendment to the Constitution of the State, by adding Section 15.5 to Article 1 thereof, relating to prisoners.

LEGISLATIVE COUNSEL'S DIGEST

SCA 8, as introduced, Vasconcellos. Prisoners: rehabilitation.

Existing law requires the Director of Corrections to cause each person newly committed to state prison to be examined and studied, as specified, in order to, among other things, aid in the person's rehabilitation.

This measure would require the director to cause each person incarcerated in state prison, within 90 days of entry, to be evaluated, as specified, with respect to his or her educational and vocational level of development and capacity and with respect to his or her psychosocial level of development and ability to lead a constructive life. Based on these evaluations, the measure would require that a program be prescribed and implemented for the inmate that addresses his or her deficient levels of educational, vocational, and psychosocial development, as specified, so as to better equip him or her to lead a constructive life upon release from prison.

The measure would also require the Director of Corrections to make a parenting education course available to every inmate incarcerated in the state corrections system who is serving a sentence for a crime involving his or her child or a child formerly under his or her care. This measure would require the parenting course to be susceptible of completion within the sentences of these inmates, as specified, and



would provide that there could be no reduction in sentence for one of these inmates who failed to complete an available parenting course.

The measure would provide that it would become operative on January 1, 2005.

Vote: <sup>2</sup>/<sub>3</sub>. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

1 WHEREAS, California law states that “the Legislature finds  
2 and declares that the purpose of imprisonment for crime is  
3 punishment”; and

4 WHEREAS, California’s rate of recidivism is very high, more  
5 than one in every two inmates paroled returns to prison, when  
6 compared to those of other comparable industrial states and other  
7 industrial western nations; and

8 WHEREAS, The manner in which our current system of  
9 corrections is now operating is counterproductive to the goal of  
10 promoting the public safety of all Californians; and

11 WHEREAS, We owe it to the people of California and their  
12 safety to far better attend systematically to the constructive  
13 rehabilitation of each of our prison inmates prior to his or her  
14 release from prison so as to better enable each of these inmates,  
15 upon emerging from prison into our midst, to do so constructively  
16 and not endanger public safety; and

17 WHEREAS, The purpose of our entire system of law  
18 enforcement and corrections ought also to be to promote the public  
19 safety of all Californians; and

20 WHEREAS, This measure proposes to reform the corrections  
21 system to live up to its name, and to advance and ensure the public  
22 safety of all Californians by attending to inmates in ways that hold  
23 the most promise for enabling each of them to cure, or at least curb,  
24 his or her dangerous ways before his or her release from prison  
25 back into our midst; now, therefore, be it

26 *Resolved by the Senate, the Assembly concurring*, That the  
27 Legislature of the State of California at its 2003–04 Regular  
28 Session commencing on the second day of December 2002,  
29 two-thirds of the membership of each house concurring, hereby  
30 proposes to the people of the State of California that the  
31 Constitution of the State be amended as follows:

32 First--That Section 15.5 is added to Article I thereof, to read:





1 SEC. 15.5. For each inmate who becomes subject to the  
2 jurisdiction of the Department of Corrections on or after January  
3 1, 2005, all of the following apply:

4 (a) The Director of Corrections shall cause both of the  
5 following to occur:

6 (1) Within 90 days of entry, the inmate shall be evaluated in an  
7 open, public, and comprehensive way with respect to his or her  
8 educational and vocational level of development and capacity.

9 (2) Within 90 days of entry, the inmate shall be evaluated  
10 comprehensively with respect to his or her psychosocial level of  
11 development and ability to lead a constructive life.

12 (b) Based on the evaluations conducted pursuant to subdivision  
13 (a), the Department of Corrections shall prescribe and implement  
14 for each inmate a smart, comprehensive rehabilitation program  
15 that addresses his or her deficient levels of educational, vocational,  
16 and psychosocial development, so as to better equip him or her to  
17 lead a constructive, safe life upon his or her release from prison  
18 into our midst, as follows:

19 (1) The educational program shall be provided, as needed and  
20 insofar as the length of sentence allows, to enable each inmate to  
21 qualify to pass the California high school equivalency certificate  
22 test and to obtain a California high school equivalency certificate,  
23 or high school equivalent, while the inmate is incarcerated, if the  
24 inmate has not yet advanced to that educational level.

25 (2) The psychosocial program shall be provided as needed to  
26 enable each inmate to measure up to a standard of normalcy and  
27 capacity to behave constructively and to lead a self-sufficient life,  
28 according to a set of standard capacities as determined by an  
29 advisory team of mental health experts appointed by the Director  
30 of Corrections.

31 (3) The vocational capacity program shall be provided as  
32 needed to equip each inmate to measure up to set vocational  
33 standards, according to a standard skills level determined by an  
34 advisory team appointed by the Director of Corrections, consisting  
35 of persons knowledgeable in the arenas of employment and  
36 vocational education.

37 (c) It is the intent of the People of the State of California that  
38 this program be sufficiently funded and fully implemented so that  
39 each inmate is enabled to prepare himself or herself to reenter our  
40 community and live constructively and safely.



(d) It is the intent of the People of the State of California that this program be annually monitored and assessed by the office of the Inspector General, which shall annually report to the Legislature and Governor with respect to the following:

(1) How well the program is being operated to live up to its purpose, goals, and mandates.

(2) How the program could and should be improved.

(3) Whether the program is proving successful in reducing recidivism and improving the public safety of Californians.

(e) The Director of Corrections shall make a parenting education course available to every inmate incarcerated in the state corrections system who is serving a sentence for a crime involving his or her child or a child formerly under his or her care. This parenting education course shall be designed to be susceptible of completion within the sentences of these inmates, as adjusted for eligible work, behavior, or other reduction. However, no otherwise applicable reduction may be applied to the sentence of any of these inmates who fails to complete this parenting education, if the education is provided as required by this subdivision.

Second--That Section 15.5 of Article I shall become operative on January 1, 2005.

